

**CIRCULATED
BEFORE THE
MEETING**



**REPORT of
CHEIF EXECUTIVE**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
11 SEPTEMBER 2017**

MEMBERS' UPDATE

AGENDA ITEM NO. 5

Application Number	RES/MAL/17/00275
Location	Land Between Station Road And Canute Hall, Fambridge Road, Althorne, Essex
Proposal	New wine warehouse and visitor facility.
Applicant	Mr & Mrs Ross And Samantha Lonergan - Crouch Ridge Vineyard
Agent	Mr Jaun Martinez - Inkpen Downie Architecture
Target Decision Date	08 May 2017
Case Officer	Ian Harrison TEL: 01621 875751
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Parish Trigger

7.2 Representations received from Parish/Town Councils

An objection has been received on the grounds that the site is outside the village envelope, is an unsustainable location, represents overdevelopment of the site, is contrary to the Althorne Village Design Statement as it would impact on views and would have a noise impact on neighbouring residents.

7.4 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	<p>On the basis that there will be no evening events and any approval given includes the following conditions, I agree to lift my objection to the proposal.</p> <p>CONDITIONS</p> <p>The use hereby permitted shall only be undertaken between 10:00 hours and 18:00 hours on any day.</p>	Noted.

	<p>There shall be no amplified sound at the application site.</p> <p>No plant shall be installed at the site (including air conditioning units, mechanical ventilation/extraction, flues, vents or refrigeration equipment) unless details of the proposals including the siting and appearance of the plant and details of the noise generated by that plant has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Where possible, we would wish to see any plant positioned in such a way that the building acts as a physical barrier between it and noise sensitive premises.</p> <p>The storage of refuse outside of the building shall only be undertaken in accordance with the scheme submitted with and forming part of this permission unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To ensure adequate refuse facilities are available in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.</p> <p>Prior to the commencement of the development a surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.</p> <p>The applicant shall demonstrate that the surface water scheme will ensure that as a minimum:</p> <ul style="list-style-type: none"> - Run-off from the site is limited to calculated greenfield rates for the site or 2 litres per second per hectare for a storm event that has a 100% chance of occurring each year (1 in 1 year event) - The development should be able to attenuate (manage water on site) for 1 in 100 year events plus 40% climate change allowance - If the land is designated as a Brownfield Site it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1 year event) OR demonstrate 50% betterment of the current rates <p>This must be conducted by a competent person</p>	
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	<p>and include written explanation of any data provided.</p> <p>Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.</p> <p>Before the development hereby permitted commences, details of all external illumination of the site shall be submitted to and approved in writing by the local planning authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the local planning authority.</p> <p>Informatives have also been suggested which are set out below:</p>	
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7.5 Representations received from Interest Parties

7.5.2 Since the preparation of the Officers Report, six formal representations have been received from people that have previously commended on the application:

- Dr Christine Collins, Gilder Lodge, Fambridge Road, Althorne, Essex, CM3 6BZ
- Ursula Benjafield, Sunningdale, Fambridge Road, Althorne, CM3 6DB
- Mr L. Lewis, Crocuh View, Fambridge Road, Althorne, CM3 6DB
- Ian Drinkwater and Lorraine Collins, The Old Vicarage, Fambridge Road, Althorne, CM3 6BZ
- Mr T. Inkpen, Althorne House, Station Road, Althorne, CM3 6DG
- Paul Burgess, Cliffords Farm, Burnham Road, Althorne, Essex CM3 6DP
- Hayley Noye, Silver Ley, Fambridge Road, Althorne, CM3 6BZ
- Mr Stuart Sowter, Richmond Cottage, Fambridge Road, Althorne, Essex, CM3 6BZ

Other correspondence and complaints have also been received from Mr Stuart Sowter, Dr C.J. Collins and Mrs Ursula Benjafield

- Notification of amended plans should have included a notice in a newspaper and a new site notice.
- The details available on the Council's website are not clear.
- An open day at the site in June has caused considerable noise and disturbance.
- Not undertaking a Noise Impact Assessment is contrary to the Noise Policy Statement for England 2010.

- Any conditions that could be imposed would be impossible to enforce.
- Residents of this area have chosen their premises as they do not wish to be disturbed by noise.
- 26 evening events would be unacceptable.
- The removal of the bistro from the proposal has not resulted in the reduction of the size of the kitchen or the building.
- The proposed use should be incorporated into the use of the other buildings being erected near the site.
- Objections are raised to the agricultural building that has been approved at the site under the terms of permitted development rights.
- The permission granted for the agricultural barn should be reviewed.
- The proposal will be detrimental to highway safety, especially given the housing developments approved in Burnham which will increase the use of the highway.
- Car parking provision at the site would be inadequate.
- No sound proofing of the building is proposed.
- The building is too large and will have a significant and unacceptable visual impact.
- The building would be out-of-keeping with the character of the surrounding area.
- Althorne is not a sustainable location for development.
- The use of the site would be dependent on vehicles.
- The wine storage facility would be inadequately accessible and would therefore pose a threat to health and safety for employees.
- The proposal should be viewed as an independent retail use, not in conjunction with the vineyard operation.
- Leaving the European Union will result in the loss of labour force and result in there being less disposable income and therefore the proposed development will not be viable.
- The uplift in wine production at the site to justify the development will not be forthcoming.
- The proposal will encourage driving above the legal alcohol limit.
- The cumulative impact of this proposal and the agricultural barn that has been approved needs to be considered in tandem. Also the impact of the cluster of buildings and their various uses on the countryside needs to be assessed.
- A grape related development at Hazeleigh Hall Lane was refused and therefore this proposal should also be found visually unacceptable.
- The building would intervene in views which should be considered a heritage asset.
- The proposal would effect the viability of other vineyards that have received public funding.
- The proposal would be competition for other public houses.
- The evidence provided by the Highway Authority is incorrect as there have been many more accidents than stated.
- The Design and Access Statement includes inaccuracies.
- Officers should not have prepared a recommendation before the public consultation period has come to an end.
- There would be less jobs created than has been stated.
- The existing highways are inadequate to cope with the traffic using them.

- Photographs have been provided of a large vehicle mounting the pavement.

7.5.3 One of the four letters of support that was stated to have been received in the Officers report was from Mr & Mrs Brown, The Acers, Summerhill, Althorne, CM3 6BY.

Since the Officer's Report was prepared four further letters of support have been received which support the application on grounds that have already been mentioned in the officer's report. The following grounds of support have also been received:

- The matters raised by objectors can be addressed through the design of the building and controls around the use of the building.

These four letters have been received from:

- Georgina McHugh, Althorne Hall Farm, Fambridge Road, Althorne, Essex, CM3 6BZ
- Mr Duncan McNeill, Blagdon, 32 Peartree Lane, Bicknacre, CM3 4LS
- Mr Chris Trembath, New Hall Vineyards, Chelsford Road, Purleigh, Essex, CM3 6PN
- Dale Symons, Clayhill Vineyard, 3 Tyle Hall Cottages, Lower Burnham Road, Latchingdon, Essex, Cm3 6HE

8 Proposed Conditions

It is suggested that the following informatives are added:

- 1 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

- 2 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

3 Food Hygiene and Health & Safety

The Applicant is advised to consult Environment Services on any requirements we may have regarding Food Safety and Health & Safety matters at the premises. New food business will need to register with Environment Services 28 days before it commences operation and comply with EC Regulation 852/2004.